

AMENDED IN ASSEMBLY MAY 6, 2004
AMENDED IN ASSEMBLY APRIL 22, 2004
AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2691

**Introduced by Assembly Members Correa and Vargas
(Principal coauthors: Assembly Members *Bermudez*, *Chu*,
Lieber, *Negrete McLeod*, *Salinas*, and *Spitzer*)**

February 20, 2004

An act to amend Sections 22443.1 and 22443.3 of, and to repeal Section 22442.4 of the Business and Professions Code, relating to immigration consultants.

LEGISLATIVE COUNSEL'S DIGEST

AB 2691, as amended, Correa. Immigration consultants.

Existing law regulates the practice of immigration consultants, defined as persons who provide nonlegal assistance or advice in an immigration matter. A violation of the provisions regulating immigration consultants is a crime. Existing law requires a person to file a \$50,000 bond with the Secretary of State prior to engaging in the business or acting in the capacity of an immigration consultant.

This bill would require a person who is required to file a bond to file a disclosure form that contains certain information with the Secretary of State, and would also require the person to submit a copy of valid and current photo identification.

Because a violation of the bill would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22442.4 of the Business and Professions
2 Code is repealed.

3 SEC. 2. Section 22443.1 of the Business and Professions
4 Code is amended to read:

5 22443.1. (a) Prior to engaging in the business or acting in the
6 capacity of an immigration consultant, each individual shall file
7 with the Secretary of State a bond of fifty thousand dollars
8 (\$50,000) executed by a corporate surety admitted to do business
9 in this state and conditioned upon compliance with this chapter.
10 The total aggregate liability on the bond shall be limited to fifty
11 thousand dollars (\$50,000). The bond may be terminated pursuant
12 to Section 995.440 of, and Article 13 (commencing with Section
13 996.310) of Chapter 2 of Title 14 of Part 2 of, the Code of Civil
14 Procedure.

15 (b) The bond required by this section shall be in favor of, and
16 payable to, the people of the State of California and shall be for the
17 benefit of any person damaged by any fraud, misstatement,
18 misrepresentation, unlawful act or omission, or failure to provide
19 the services of the immigration consultant or the agents,
20 representatives, or employees of the immigration consultant while
21 acting within the scope of that employment or agency.

22 (c) An individual who is required to file a surety bond with the
23 Secretary of State shall also file a disclosure form with the
24 Secretary of State that contains all of the following information:

25 (1) The individual's name, date of birth, residence address,
26 business address, residence telephone number, and business
27 telephone number.

28 (2) The name and address of the individual's agent for
29 service-of-process if one is required to be or has been appointed.



1 (3) Whether the individual has ever been convicted of a
2 violation of this chapter.

3 (d) An immigration consultant shall notify the Secretary of
4 State's office in writing within 30 days of any change of name,
5 address, telephone number, or agent for service-of-process.

6 (e) The Secretary of State shall develop the disclosure form
7 required to file a bond under this section and make it available to
8 any individual filing a bond pursuant to this section.

9 (f) The individual shall submit with the disclosure form a copy
10 of valid and current photo identification to determine the
11 individual's identity. ~~For purposes of this subdivision, photo~~
12 ~~identification shall consist of a driver's license or identification~~
13 ~~card issued by any state within the United States, or a passport,~~
14 ~~such as a California driver's license or identification card,~~
15 ~~passport, or other identification acceptable to the Secretary of~~
16 ~~State.~~

17 (g) The Secretary of State shall charge and collect a filing fee
18 to cover the cost of filing the bond.

19 (h) The Secretary of State shall enforce the provisions of this
20 chapter that govern the filing and maintenance of bonds.

21 (i) This section does not apply to employees of nonprofit,
22 tax-exempt corporations who help clients to complete application
23 forms in immigration matters, either free of charge or for a fee.
24 Any fees charged may include reasonable costs and shall be
25 consistent with fees authorized by the Board of Immigration
26 Appeals under Section 292.2 of Title 8 of the Code of Federal
27 Regulations.

28 SEC. 3. Section 22443.3 of the Business and Professions
29 Code is amended to read:

30 22443.3. It is unlawful for any person to disseminate by any
31 means any statement indicating directly or by implication that the
32 person engages in the business or acts in the capacity of an
33 immigration consultant, or proposes to engage in the business or
34 act in the capacity of an immigration consultant, unless the person
35 has on file with the Secretary of State a bond, in the amount and
36 subject to the terms described in Section 22443.1, that is
37 maintained throughout the period covered by the statement, such
38 as, but not limited to, the period of a yellow pages listing.

39 SEC. 4. The Legislature hereby finds and declares that this act
40 is declarative of existing law with respect to the obligation of each

1 individual engaged in the business or acting in the capacity of an
2 immigration consultant to file a bond with the Secretary of State.
3 SEC. 5. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

